

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BEARING BROKERS, INC., on behalf of	)	
plaintiff and a class,	)	
	)	
Plaintiff.	)	
v.	)	
	)	
CREDIT MANAGEMENT ASSOCIATION and	)	
JOHN DOES 1-10,	)	Case No. 12-cv-09430
	)	
Defendants.	)	
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	)	
CREDIT MANAGEMENT ASSOCIATION	)	
	)	
Defendant/Third Party Plaintiff.	)	
	)	
v.	)	
	)	
WESTFAX, INC.	)	
	)	
Third Party Defendant.	)	
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**DEFENDANT/THIRD PARTY PLAINTIFF, CREDIT MANAGEMENT  
ASSOCIATION'S, THIRD PARTY COMPLAINT AGAINST WESTFAX, INC.**

Defendant/Third Party Plaintiff, Credit Management Association, by and through its attorneys Wilson, Elser, Moskowitz, Edelman & Dicker LLP, brings this Third Party Complaint against Third Party Defendant WestFax, Inc. and alleges as follows:

1. Credit Management Association ("CMA") brings this action in the event that of an adverse judgment with respect to Plaintiff's claims against the Defendant in this lawsuit.
  
2. On November 27, 2012, Plaintiff Bearing Brokers, Inc. filed a Complaint against CMA based upon alleged violation of the Telephone Consumer Protection Act, 47 U.S.C § 227 ("TCPA"), the Illinois Consumer Fraud Act, 815 ILCS 505/2 ("ICFA") and common law conversion.
  
3. WestFax, Inc. is a Colorado corporation.

4. At all relevant times WestFax, Inc. held itself out as a leading provider of fax broadcasting services and marketed a service called "Broadcast Fax."

5. At all relevant times WestFax, Inc. also advertised that it provided an automated toll-free Removal Service to customers that used its "Broadcast Fax" service.

6. CMA contracted with WestFax, Inc. to use the "Broadcast Fax" service to broadcast a facsimile which is now the subject matter of the Complaint filed by Plaintiff.

7. Prior to contracting with WestFax, Inc., CMA had never broadcast a facsimile and, therefore, relied upon the representations and alleged expertise of WestFax, Inc. when broadcasting the subject facsimile.

8. The subject matter facsimile was broadcasted by WestFax, Inc. and contained the automated toll-free Removal Service provided for by WestFax, Inc.

9. Consequently, and although CMA deny Plaintiff's have alleged any viable claim against any of the Defendant, CMA seek contribution from WestFax, Inc. in the event a judgment is entered against the Defendants.

WHEREFORE, Credit Management Association prays for judgment against Third Party Defendant WestFax, Inc. and seek contribution in an amount proportionate to Defendant/Third Party Plaintiff's fault in the event Plaintiff is successful in this lawsuit and prays the Court grant such additional relief as it deems proper.

Respectfully submitted,

**CREDIT MANAGEMENT ASSOCIATION**

/s/ Michael P. Tone  
*One of Its Attorneys*

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**CERTIFICATE OF SERVICE**

I, Kimberly E. Blair, certify that on January 25, 2013, I caused a true and accurate copy of the foregoing document to be served electronically via CM/ECF e-filing upon:

Daniel A. Edelman  
James O. Lattuner  
Heather A. Kolbus  
Edelman, Combs, Lattuner & Goodwin, LLC  
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/s/ Michael P. Tone

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